

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Kelly Lyon	Team: Squad #11	CCRB Case #: 202303961	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 05/04/2023 6:30 AM	Location of Incident: § 87(2)(b)	18 Mo. SOL 11/4/2024	Precinct: 113		
Date/Time CV Reported Fri, 05/05/2023 2:28 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 05/05/2023 2:28 PM		

  

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

  

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

  

Subject Officer(s)	Shield	TaxID	Command
1. DT2 Sean Wolfenhaut	07789	947612	CRC

  

Officer(s)	Allegation	Investigator Recommendation
A . DT2 Sean Wolfenhaut	Abuse: Detective Sean Wolfenhaut entered § 87(2)(b) in Queens.	§ 87(2)(b)
B . DT2 Sean Wolfenhaut	Abuse: Detective Sean Wolfenhaut searched § 87(2)(b) in Queens.	§ 87(2)(b)
C . DT2 Sean Wolfenhaut	Abuse: Detective Sean Wolfenhaut failed to provide § 87(2)(b) with a business card.	§ 87(2)(b)
D . DT2 Sean Wolfenhaut	Abuse: Detective Sean Wolfenhaut failed to provide § 87(2)(b) with a business card.	§ 87(2)(b)

### Case Summary

On May 5, 2023, § 87(2)(b) filed this complaint with the CCRB on behalf of herself and her daughter § 87(2)(b).

On May 4, 2023, at approximately 6:30 a.m., § 87(2)(b) and § 87(2)(b) were in their home located at § 87(2)(b) in Queens, when Det. Sean Wolfenhaut of the Warrant Squad's Regional Fugitive Task Force arrived at the location with a group of US Marshals. Det. Wolfenhaut entered § 87(2)(b) and § 87(2)(b) home to search for § 87(2)(b) who was wanted for a triple homicide (**Allegations A and B: Abuse of Authority**, § 87(2)(g)). After confirming that § 87(2)(b) was not at the location, Det. Wolfenhaut provided § 87(2)(b) with a phone number, but he did not provide a business card to her or § 87(2)(b) (**Allegations C and D: Abuse of Authority**, § 87(2)(g)).

This incident resulted in no summonses or arrests.

There was no body-worn camera footage related to this incident because Warrant Squad officers are not equipped with body-worn camera.

### Findings and Recommendations

**Allegation (A) Abuse of Authority: Detective Sean Wolfenhaut entered § 87(2)(b) in Queens.**

**Allegation (B) Abuse of Authority: Detective Sean Wolfenhaut searched § 87(2)(b) in Queens.**

§ 87(2)(b) (BR 01) and § 87(2)(b) (BR 02) consistently stated that § 87(2)(b) observed a group of officers and US Marshals outside through the window and informed § 87(2)(b). Soon after, an officer knocked on the door and said, "Open the door." § 87(2)(b) asked what for and the officer informed her that they had a warrant. The officer threatened to break the door if § 87(2)(b) did not open it and she opened the door. Officers came inside the apartment with guns pointed and § 87(2)(b) screamed at them because her baby was in the back bedroom. § 87(2)(b) and § 87(2)(b) remained in the front room while officers searched the apartment.

After the officers were finished, Det. Wolfenhaut showed § 87(2)(b) a document which had her address on it as well as a wanted photo of § 87(2)(b). Neither § 87(2)(b) nor § 87(2)(b) knew who § 87(2)(b) was. § 87(2)(b) was informed that § 87(2)(b) was using her address and the officers had obtained information that he lived there. The officers also asked whether § 87(2)(b) knew § 87(2)(b) or ever lived in the Bronx.

§ 87(2)(b) and § 87(2)(b) landlord, stated (BR 03) he was sleeping in his home when his doorbell rang. Officers wanted § 87(2)(b) to open the door so they could go upstairs to the § 87(2)(b) floor unit. An officer showed § 87(2)(b) a photo and asked if he ever saw the person depicted in the photo. § 87(2)(b) stated, "No I've never seen this person." § 87(2)(b) never stated that he observed someone matching that description going in and out of the apartment.

Det. Wolfenhaut stated (BR 04) he went to the location pursuant to an investigation into § 87(2)(b) who was wanted for a triple murder that happened in the Bronx in June 2018. Det. Wolfenhaut was in possession of an arrest warrant for § 87(2)(b) that was issued by a Bronx County court. Det. Wolfenhaut gathered information that § 87(2)(b) sister, § 87(2)(b) was associated with § 87(2)(b) in Queens although he knew that she lived in New Jersey. Det. Wolfenhaut went to investigate to see why that address was showing up in her name.

During Det. Wolfenhaut's investigation, he learned that § 87(2)(b) was paying someone to send money to § 87(2)(b) thereby making her a person of interest on § 87(2)(b) whereabouts. Det. Wolfenhaut ran § 87(2)(b) name, and § 87(2)(b) in Queens showed up for the § 87(2)(b) time over the course of five years that Det. Wolfenhaut had been looking for § 87(2)(b). Det. Wolfenhaut used TLO, a commercial database that provides phone numbers, addresses, drivers licenses, and family members. Det. Wolfenhaut did not remember the year or date range

that TLO provided tying § 87(2)(b) to § 87(2)(b) in Queens and stated that those are not always accurate. Det. Wolfenhaut had done surveillance on the location previously to observe any vehicles, the layout of the location, and to make sure it was a legitimate address.

On May 4, 2023, Det. Wolfenhaut spoke to § 87(2)(b) who lived on the § 87(2)(b) floor of the building. § 87(2)(b) stated they have an older female who lived on the § 87(2)(b) floor. Det. Wolfenhaut showed a wanted photo of § 87(2)(b) and § 87(2)(b) said he recognized him and stated that a male that fits § 87(2)(b) description has been seen going in and out of the apartment. Given this information, Det. Wolfenhaut believed § 87(2)(b) was currently at the location.

Det. Wolfenhaut and his team set up in the staircase. Det. Wolfenhaut was working with US Marshals, could not remember whether any other members of the Regional Fugitive Task Force were present, and said there were no supervisors on scene. The US Marshals took the lead knocking on the door. Once the door was open, the US Marshals made entry and Det. Wolfenhaut followed them in. Det. Wolfenhaut did not hear any US Marshal threaten to break the down the door if the occupants did not open it.

Once Det. Wolfenhaut made entry into the apartment, § 87(2)(b) was screaming at the officers to get out. Det. Wolfenhaut did not see any US Marshal point their gun directly at § 87(2)(b) or § 87(2)(b) and he himself never drew his firearm. Det. Wolfenhaut did not go anywhere else in the apartment and focused his attention on § 87(2)(b) to try to calm her down. The US Marshals cleared the apartment to make sure § 87(2)(b) was not at the location. The US Marshals informed Det. Wolfenhaut that § 87(2)(b) was not there. Det. Wolfenhaut explained to § 87(2)(b) and § 87(2)(b) why he was there, showed a photo of § 87(2)(b) explained what he was wanted for, and explained that he was trying to figure out the nexus between § 87(2)(b) sister and that address.

There were two active arrest warrants for § 87(2)(b) § 87(2)(b)

§ 87(2)(b) The investigation was unable to obtain the DD5s because the homicide investigation was still active. The I-Card for § 87(2)(b) (BR 07) showed that Det. Wolfenhaut was assigned this case on November 26, 2020.

Because Det. Wolfenhaut was leading the investigation into § 87(2)(b) the entry and search were pleaded against him. § 87(2)(b)

New York Criminal Procedure Law § 120.80 (BR 08) states that in order to effect the arrest when in possession of an arrest warrant, the police officer may enter any premises in which he reasonably believes the defendant to be present; provided, however, that where the premises in which the officer reasonably believes the defendant to be present is the dwelling of a third party who is not the subject of the arrest warrant.

§ 87(2)(g)

**Allegation (C) Abuse of Authority: Detective Sean Wolfenhaut failed to provide § 87(2)(b) with a business card.**

**Allegation (D) Abuse of Authority: Detective Sean Wolfenhaut failed to provide § 87(2)(b) with a business card.**

§ 87(2)(b) (BR 01) and § 87(2)(b) (BR 02) consistently stated that Det.

Wolfenhaut left his phone number with § 87(2)(b) but no business card.

Det. Wolfenhaut stated (BR 05) he exchanged his contact information with § 87(2)(b) and left the location. Det. Wolfenhaut did not provide a business card because he felt it was better to give § 87(2)(b) his cellphone number due to the way § 87(2)(b) was acting he was worried either § 87(2)(b) would lose the card or § 87(2)(b) would purposefully misplace the card. Det. Wolfenhaut provided a Google Voice number to § 87(2)(b). Det. Wolfenhaut explained that since he gets so many spam calls on his department cellphone he knows that his Google Voice number will be work related only.

New York City Administrative Code § 14-174 (BR 09) and NYPD Administrative Guide procedure 304-11 (BR 10) state that for home searches, officers are to offer a business card to the person who is the subject of the search at the conclusion of any home search that does not result in an arrest or summons.

Because it was undisputed that Det. Wolfenhaut, the lead detective on the investigation into § 87(2)(b) did not provide a business card to § 87(2)(b) and § 87(2)(b) § 87(2)(g)

#### Civilian and Officer CCRB Histories

- § 87(2)(b)
- This is the § 87(2) CCRB complaint to which § 87(2)(b) has been a party (BR 12).
- Det. Wolfenhaut has been a member of service for 14 years and named a subject in four additional CCRB complaints and five allegations, none of which were substantiated.

#### Mediation, Civil, and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- As of July 27, 2023, the New York City Office of the Comptroller has no record of a Notice of Claim being filed regarding this incident (BR 13).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

#### RPBP History

- This complaint did not contain any allegations of Racial Profiling/Bias-Based Policing.

Squad: 11

Investigator:	Kelly Lyon	Inv. Kelly Lyon	7/28/2023
	Signature	Print Title & Name	Date

Squad Leader:	Edwin Pena	IM Edwin Pena	07/28/2023
	Signature	Print Title & Name	Date

Reviewer:			
	Signature	Print Title & Name	Date